

Appl. No. 10/712,607
Response dated October 27, 2005
Reply to Office Action of July 28, 2005

Remarks/Arguments

Claim Rejections – 35 USC §102

The Examiner rejected Claims 1-2, 6 and 11 under §102(b) as being anticipated by Malinovitz – 4,241,943. The Examiner observed that Malinovitz does not specifically mention the term “government sanctioned lottery” but noted that is synonymous with “legal lottery”. With these comments in mind, the applicant has amended the application to further narrow the claims.

Now, the focus of the present invention is on the combination of a pay-for-park transaction with the payment for entry into a state or province-owned and operated lottery. (Claims 1, 6, and 11, as amended). The ingenious and novel result of the invention is that patrons are drawn to a parking garage because the patron need only drive into the parking garage and purchase parking to enter a state or province-owned and operated lottery. As will be recognized, during peak sales times (when the jackpot is in the millions) for such lotteries, the ability to avoid long lines in other lottery ticket dispensing stores and markets to enter into a multi-million dollar lottery will have a universal appeal.

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The Examiner cited U.S. Patent #4,241,943 to Malinovitz for showing a combination parking ticket/lottery system. It is respectfully submitted that Malinovitz is not an applicable reference to the present invention. Malinovitz describes a parking card with a friable coating that can be hung from a car window. (see claim 1). There is no mention of the purchaser of the invention in Malinovitz being able to simultaneously purchase a lottery chance as described in the present invention. Accordingly, Malinovitz does not teach that a parking patron is entered into a state or province-owned and operated lottery. Rather, Malinovitz suggests possibly mailing a parking card into a municipality for a lottery or drawing run by a municipality. Accordingly, Malinovitz does not anticipate the claims of the present invention and the applicant respectfully requests that the Examiner's objections under §102(b) be withdrawn.

Claim Rejections – 35 USC §103

The Examiner rejected claims 3-5 and 7-9 under 35 USC §103(a) as being unpatentable over Malinovitz in view of Matsuyama 5,745,052. However, as discussed above, Malinovitz does not disclose simultaneously purchasing a parking ticket and being entered into a province or state-owned and operated lottery and does not anticipate the claims of the present invention.

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With respect to Matsuyama, the Examiner observed that in the present invention Claims 3-5 and 7-9 differ in that a central controller is the means for issuing a parking ticket receipt. However, applicant's invention is distinguishable from Matsuyama in that applicant's invention calls for a lottery interface (Fig. 1, 140), a lottery controller (Fig. 1, 150) and a central controller (Fig. 1, 100). This is because only the state or provincial government can issue and register lottery numbers in their lottery. Applicant's central controller interfaces with the lottery controller through the lottery interface. For this reason, the central controller is not the same as the lottery controller and Matsuyama does not anticipate the applicant's invention.

Matsuyama is a parking lot control system and apparatus allowing cars to promptly come into and out of the parking lot. It relies upon a means of recognizing a car number on a number plate as the car enters the parking lot, storing the time of entry, and calculating the total parking charges based upon that information. (Claim 1). The Applicant's invention is not concerned with the speed of entry and exit of cars in the parking lot. Further, Matsuyama makes no reference to entry into a lottery. Also, Matsuyama does not contemplate linking a central controller to a lottery interface to connect to a lottery controller owned and operated by a province or state. Matsuyama simply teaches that the entire transaction occurs within the parking facilities systems. Moreover, there is no mention in the cited prior art that would lead someone skilled in the

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relevant art to combine Matsuyama and Malinovitz. Finally, combining these two references as described by the Examiner would not result in the combination of entry into a government-owned and operated lottery with a pay-for-park transaction as described by the present invention.

To the extent it might be argued that the present invention is an obvious combination, real world experience suggests otherwise. Presently, and despite the publication of the above applications, there are no parking garages that combine province or state-owned and operated lottery transactions with the payment transaction.

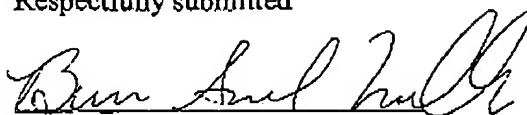
Assuming there are stores within the parking garages wherein the stores sell lottery tickets, the present invention is completely different because this ingenious invention requires no human operator or line for purchasing the lottery tickets. In contrast, any store located within the parking garage would be selling lottery tickets by way of a person operating a lottery ticket-dispensing machine. Thus, it can be appreciated that the possible long lines and time expended purchasing a lottery ticket from a store located within the parking garage are completely eliminated by the present invention which combines the payment for parking with the lottery ticket transaction while the patron remains inside the automobile.

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In summary, it is respectfully submitted that this application, including claims 1-11, is in a condition for allowance. Notice to the effect is hereby earnestly solicited. In the event it appears that claims will not be allowed, the Examiner is invited to telephone the undersigned prior to the issuance of a further Office Action.

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